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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,588	02/01/1999	MICHAEL L. GRANDCOLAS	CITI0035-CON	7521

7590 11/19/2001

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

2161

DATE MAILED: 11/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/240,588

Applicant(s)  
Grandcolas et al.

Examiner  
Pierre E. Elisca

Group Art Unit  
2161



☒ Responsive to communication(s) filed on Sep 26, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 14-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 14-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161

**DETAILED ACTION**

***Response to Amendment***

1. This Office action is in response to Applicant's amendment filed on 9/26/2001.
2. Claims 14-21 are remained and claims 22-27 are added.
3. The rejection to claims 14-21 under 35 U.S.C. 102 (e) as being anticipated by Nguyen et al. (U.S. Pat. No. 6,072,870) as set forth in the Office action mailed 4/23/2001 is maintained.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 22-27 are rejected under 35 U.S.C. 102 (e) as being anticipated by Nguyen et al. (U.S. Pat. No. 6,072,870).

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As per claims 22-27, Nguyen discloses a secure transmission of data between a plurality of computer over a public communication system, such as the Internet, comprising:  
producing a data stream from the software application (see., abstract, lines 1-14);  
providing a token representation of the data stream from the software application (see., abstract, lines 1-4, col 18, lines 48-65, fig 7F); and  
forwarding the token representation to the access device (see., col 18, lines 48-67, col 19, lines 1-67, fig 7F). Nguyen also discloses the step of identifying the data stream as a legacy in the abstract, specifically wherein it is stated that the host legacy system evaluates the payment information and returns a level of authorization of credit to the gateway which packages the information to form a secure transaction which transmitted to the merchant, please note that the process of authorizing credit is readable as the process of identifying data stream.

***Response to Arguments***

6. Applicant's arguments filed on 9/26/2001 have been fully considered but they are not persuasive.

**REMARKS**

7. In response to claims 14-21, Applicant argues the prior art of record does not teach or suggest: "creating a token representation of the data stream from the desired application". As stated in the Office action mailed on 4/23/2001, this limitation is disclosed by Nguyen in col 18, lines 48-67,

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specifically wherein it is stated payment gateway computer system generates a random capture token. Random capture token is utilized in subsequent payment capture processing to associate the payment capture request with the payment authorization request being processed, please note that the process of utilizing or generating token by the computer system in subsequent payment capture is readable as the process of creating a token representation of the data.

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

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If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry )

**OR:**

(703) 305-3718 ( for informal or draft communications, please label

"PROPOSED" or " DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist ).

The Official Fax Numbers for TC-2100 are:

**After-final (703) 746-7238**

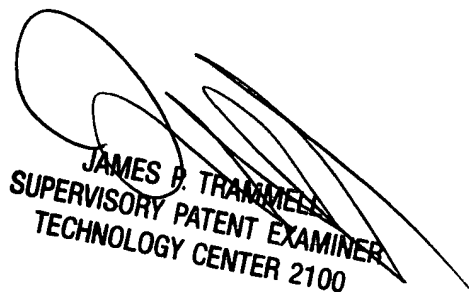
**Official (703) 746-7239**

**Non-Official/Draft (703) 746-7240**

  
**Pierre Eddy Elisca**

**Patent Examiner**

**November 15, 2001**

  
**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**